



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,455	06/30/2004	Ryouichi Ootsubo	0037-0219PUS1	2304

2292 7590 01/31/2007
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

PRIOLEAU, AVERY D

ART UNIT	PAPER NUMBER
----------	--------------

3782

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/31/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/31/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/500,455

Applicant(s)

OOTSUBO ET AL.

Examiner

Avery D. Prioleau

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds the maximum of 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear if the applicants are claiming the slider alone or the combination of the slider on the bag. For the purpose of examination, the claim will be considered as directed to the combination of the slider on the bag.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchman (US 2003/0228075a1) in view of Schreiter (US 2003/0077009).

6. Regarding claim 1, Buchman discloses a slider (20) for a sealable storage bag (110) for causing fastener members that include at least one set of a convex strip (174) portion and a concave strip portion (175) disposed so as to oppose each other at inner surfaces of an opening of the sealable storage bag to be fitted together by sliding the slider along the opening from an outer side of the sealable storage bag to thereby close the opening. The slider comprising: two opposing pieces (22/24) that are engaged with each other at a base end side (23) and arranged with a predetermined interval there between at a leading end side, the opposing pieces disposed at the opening so as to externally cover part of the opening; at least one push protrusion (26/28) that pushes the fastener members from the outer side of the sealable storage bag to cause the convex strip portion and the concave strip portion to be fitted together so as to protrude from inner surface of at least one of the opposing pieces; and a tongue-shaped stopper (32) that protrudes from part of the opposing pieces towards a space between the opposing pieces with a leading end of the stopper positioned further towards the base end side than the push protrusion. The stopper of Buchman does not clearly show the stopper width being equal or exceeding the base portion. However, the slider of Schreiter teaches a stopper (14) having a base portion (13) disposed at the opposing pieces and expanded portion disposed at the leading end side of the base portion, wherein a width dimension of the expanded portion that is a dimension along a sliding direction exceeds a width dimension of the base portion (Fig. 4a), the width dimension being equal to or less than a width dimension of the opposing pieces, and wherein a dimension between one end edge and the other end edge of the push protrusion in the

sliding direction is equal to or less than the width dimension of the expanded portion (Fig. 4d).

7. Regarding claim 2, the modified bag of Buchman discloses the slider (20) for a sealable storage bag except for wherein positions of end edges of the expanded portion in the sliding direction are respectively present at 1mm to 3mm inward from positions of end edges of the opposing pieces. It would have been an obvious matter of design choice to have positions of end edges of the expanded portion in the sliding direction present at 1mm to 3mm inward from positions of end edges of the opposing pieces, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

8. Regarding claims 3 and 7, the modified bag of Buchman discloses the slider for a sealable storage bag wherein at least one end edge of the opposing pieces in the sliding direction is providing with alignment-use notches (50) for positioning when a plurality of sliders are superposed, and wherein the expanded portion is disposed offset from the alignment-use notches in a direction orthogonal to the sliding direction (Fig 5a).

9. Regarding claims 4, 8 and 9, the modified bag of Buchman discloses a slider (20) having a guide-use protrusions (51/53) protruding from at least one inner surfaces of the opposing pieces, the guide-use protrusion disposed parallel to the sliding direction further towards the leading end side than the push protrusion, the guide-use protrusion disposed at a predetermined distance from the leading end of the opposing pieces towards the base end thereof, to thereby provide a space defined by the leading end portions of the opposing pieces and the guide-use protrusion, the guide use

protrusion including inclined surfaces formed so that the height of the guide-use protrusion gradually become higher from the both ends toward the inside; and a space defined by both the inclined surfaces of both the guide-use protrusions (Fig. 3b).

10. Regarding claim 5, the modified bag of Buchman discloses a sealable storage bag formed by adhering together two resin sheets, comprising: fastener members (131/132) disposed at inner surfaces of an opening of the sealable storage bag, the fastener members including at least one set of a convex strip portion and concave strip portion that oppose each other, the opening being closeable by fitting together the convex strip portion and the concave strip portion; end seals (120/122) disposed at both end portions of the opening, the end seals formed by adhering the convex strip portion and the concave strip portion of the fastener members together with the resin sheets. And continual blocking portion (156/154) that block the circulation of air, disposed in predetermined ranges of the fastener members nearest the end seals with the convex strip portion and the concave strip portion remaining fitted together, wherein for closure of the opening, the slider is attached to the opening while the expanded portion of the stopper abuts against the end seal at a more upper side than the fastener members of the sealable storage bag, such that the push protrusion disposed at the slider and the continual blocking portion of the sealable storage bag abuts against each other (Paragraph 42).

11. Regarding claim 6, the modified bag of Buchman discloses the slider for a sealable storage bag wherein at least one end edge of the opposing pieces in the sliding direction is provided with alignment-use notches (50) for positioning when a

Art Unit: 3782


plurality of slider are superposed, and wherein the expanded portion is disposed offset from the alignment-use notches in a direction orthogonal to the sliding direction (Fig. 3a).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avery D. Prioleau whose telephone number is 571-272-3427. The examiner can normally be reached on M-Th 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AP


JES F. PASCUA
PRIMARY EXAMINER